REMARKS

This responds to the Office Action dated March 20, 2006, and the references cited therewith.

Claims 36 and 52 are amended; and claims 9-12 are cancelled. Claims 1-8, 36-46, and 52-55 are pending in this application.

§102 Rejection of the Claims

Claim 36 was rejected under 35 U.S.C. § 102(b) as being anticipated by Fukaumi et al. (U.S. Patent No. 5,377,073).

Applicant has amended claim 36 to better describe the subject matter recited in the claim. Applicant believes claim 36 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference: attaching an L-shaped anode connection member to two or more of a plurality of anodes such that a first section of the L-shaped anode connection member is attached to a major surface of the two or more of a plurality of anodes and a second section of the L-shaped anode connection member overhangs an edge face of the two or more of a plurality of anodes, as recited in claim 36. Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

Claims 1-7, 9-12 and 39-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rorvick et al. (U.S. Patent No. 6,009,348) in view of Funari (U.S. Patent No. 4,171,477) or Hancock et al. (GB 825900). Claims 9-12 are cancelled without prejudice or disclaimer.

Claims 1-7

Applicant believes claim 1 is not obvious in view of the cited references since there is no motivation to modify or combine the cited references as required to support a 35 U.S.C. § 103(a) rejection.

Claim 1 recites: A method of joining a connection member to a foil, the method comprising: positioning the connection member and the foil against each other, and forming a cold weld between the connection member and the foil by forcing the connection member and

the foil together between a hardened surface and a staking pin which has a tip of less than or equal to approximately 0.030" (0.762 mm) in diameter.

Rorvick discusses a cold weld. However neither of the other cited references provide any motivation for modification of the Rorvick cold weld.

As discussed previously, Funari discusses an electrical welder for bonding a wire to a substrate. (Abstract, Funari). Funari does not discuss joining using staking pins for cold welding. Accordingly, regardless of the size of the Funari electrical welding tips, Funari does not discuss anything to do with forming a cold weld between the connection member and the foil. Applicant notes that, in Funari, electrical welding tips are "moved down into contact with the wire" before the circuit is discharged to bond the wire to the substrate. (Col. 7, line 27). This mere contact is not forming a cold weld, as recited in the claim.

Moreover, the Hancock reference also does not discuss the size of the tool 40, 42 discussed in the Hancock reference. The Office Action refers to the Figures and the text for this subject matter. However, the text describes the size of the foils as less than .001 inches. (Page 1, line 18). However, the Figures of Hancock are not necessarily drawn to scale and Applicant cannot ascertain the size of tools 40, 42.

The Examiner states that "In Funari the pin is used for welding, in a broad interpretation, the welding pin functions like a staking pin due to the force applied on the pin to press the components to be joined." (Page 8 of Office Action). Applicant traverses. For whatever Funari discusses, it simply doesn't apply to the cold weld of Rorvick. One skilled in the art would not look to an electric welding pin to modify a cold weld staking pin. The Examiner further states that "applicant's arguments are largely directed to what the cited references teach individually. However, it is axiomatic that one cannot show nonobviousness by attacking reference individually." (Page 8 of Office Action). Applicant understands that, in general, references can be combined. However, Applicant is arguing that these specific references provide no motivation for the alleged combination since they are dealing with different kinds of welds.

Moreover, as discussed previously, a factor cutting against a finding of motivation to modify the prior art is when the prior art teaches away from the claimed combination. A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a

direction divergent from the path the applicant took. *In re Gurley*, 27 F.3d 551, 31 USPQ 2d 1130, 1131 (Fed. Cir. 1994); *United States v. Adams*, 383 U.S. 39, 52, 148 USPQ 479, 484 (1966); *In re Sponnoble*, 405 F.2d 578, 587, 160 USPQ 237, 244 (C.C.P.A. 1969); *In re Caldwell*, 319 F.2d 254, 256, 138 USPQ 243, 245 (C.C.P.A. 1963).

In this case, Rorvick et al. relates a welding technique to minimize the "overall thickness of anode sub-assembly 170 in the regions of welds 205 and 210." (Col. 25, lines 38-39). Rorvick et al. state that in a preferred embodiment, the cold weld pins "have a diameter of about 0.060 inches." (Col. 25, line 25). Rorvick et al. then state that "no or an inappreciable net increase in anode sub-assembly 170 thickness results when cold weld geometries and formation processes are appropriately optimized." (Col 25, lines 52-54). Applicant believes this teaches away from modifying the geometry of the 0.060" weld pins of Rorvick et al. Applicant notes that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); MPEP § 2143.01. Accordingly, one skilled in the art would not be motivated to make the asserted modification.

Claims 2-7 include each limitation of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claims 39-46

Applicant traverses the obviousness rejection of claims 39-46 since the Office Action has not provided sufficient motivation to modify or combine the cited references as required to support a 35 U.S.C. § 103(a) rejection.

Claim 39 recites: A method of joining two or more foils, the method comprising: positioning the two or more foils in a stack; and forcing the two or more foils together between a hardened surface and a staking pin which has a tip of less than approximately 0.060" (1.524 mm) in diameter.

As noted above, Funari discusses an electrical welder for bonding a wire to a substrate. Funari does not discuss joining using a staking pin. Accordingly, regardless of the size of the Funari electrical welding tips, Funari does not discuss anything to do with tips of a staking pin and provides no motivation for modifying the pins of Rorvick. Also, Applicant notes that the

size of tools 40, 42 of the Hancock reference cannot be ascertained from the reference itself. Accordingly, none of the references disclose staking pins of the size recited in the claim.

Again, there is no motivation in the art to modify the Rorvick reference. As noted above, Rorvick et al. relates a welding technique to minimize the "overall thickness of anode sub-assembly 170 in the regions of welds 205 and 210." (Col. 25, lines 38-39). Rorvick et al. state that in a preferred embodiment, the cold weld pins "have a diameter of about 0.060 inches." (Col. 25, line 25). Rorvick et al. then state that "no or an inappreciable net increase in anode sub-assembly 170 thickness results when cold weld geometries and formation processes are appropriately optimized." (Col 25, lines 52-54). Applicant believes this teaches away from modifying the geometry of the 0.060" weld pins of Rorvick et al. Applicant notes that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); MPEP § 2143.01. Accordingly, one skilled in the art would not be motivated to make the asserted modification.

Claims 40-46 include each limitation of their parent claim and are therefore also not obvious in view of the cited references. Reconsideration and allowance is respectfully requested.

Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rorvick et al. (U.S. Patent No. 6,009,348) in view of Funari (U.S. Patent No. 4,171,477) or Hancock et al. (GB 825900) as applied above, and further in view of Strange et al. (U.S. Patent No. 6,299,752).

Claim 8 includes each limitation its parent claim and is not obvious in view of the cited references for the reasons given above for their parent claims since the secondary reference does not overcome the deficiencies of the primary references discussed above. Reconsideration and allowance is respectfully requested.

Claim 37 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukaumi et al. (U.S. Patent No. 5,377,073).

Claim 37 includes each limitation its parent claim and is not obvious in view of the cited reference for the reasons given above. Reconsideration and allowance is respectfully requested.

Claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rorvick et al. (U.S. Patent No. 6,009,348) in view of Fukaumi et al. (U.S. Patent No. 5,377,073).

Claim 38 includes each limitation its parent claim and is not obvious in view of the cited references for the reasons given above for their parent claims since the secondary reference does not overcome the deficiencies of the primary references discussed above. Reconsideration and allowance is respectfully requested.

Claim 52 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rorvick et al. (U.S. Patent No. 6,009,348) in view of MacFarlane et al. (U.S. Patent No. 5,584,890) and Fukaumi et al. (U.S. Patent No. 5,377,073).

Claim 52 has been amended to better describe the subject matter recited in the claim. Applicant believes claim 52 is not obvious in view of the cited references since, even if combined, the combination does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited combination: "staking an L-shaped connection member to only a first anode foil," and "stacking the two or more anode stacks into a capacitor stack so that each L-shaped anode connection member is flush with each other L-shaped anode connection member," and "edge-connecting each anode connection member to the anode connection member or connection members adjacent to each anode connection member directly along an exposed end face of each of the L-shaped connection members," as recited in claim 52. Reconsideration and allowance is respectfully requested.

Claim 53 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rorvick et al. (U.S. Patent No. 6,009,348) in view of MacFarlane et al. (U.S. Patent No. 5,584,890) and Fukaumi et al. (U.S. Patent No. 5,377,073) as applied above, and further in view of Funari (U.S. Patent No. 4,171,477) or Hancock et al. (GB 825900).

Claim 53 includes each limitation its parent claim and is not obvious in view of the cited references for the reasons given above for their parent claims since the secondary reference does not overcome the deficiencies of the primary references discussed above. Reconsideration and allowance is respectfully requested.

Claim 54 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Rorvick et al. (U.S. Patent No. 6,009,348) in view of MacFarlane et al. (U.S. Patent No. 5,584,890) and Fukaumi et al. (U.S. Patent No. 5,377,073) as applied above, and further in view of Strange et al. (U.S. Patent No. 6,299,752).

Claim 54 includes each limitation its parent claim and is not obvious in view of the cited references for the reasons given above for their parent claims since the secondary reference does not overcome the deficiencies of the primary references discussed above. Reconsideration and allowance is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned **hereby certifies that this** correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20 day of April, 2006.

Name

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